

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

NAHID ZAHIROVIC,

Plaintiff,

v.

6:06-CV-981

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

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PETER W. ANTONOWICZ, ESQ.

FOR DEFENDANT:

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KIMBERLY L. SCHIRO, ESQ.
Assistant Regional Counsel

NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed on the 15th day of September 2008. Following ten days from the

service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The plaintiff's motion for judgment on the pleadings is granted, the Commissioner's finding of disability is vacated, and the matter is remanded to the agency for further consideration.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: September 30, 2008
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge